

Appln No.: 10/605,671
Amendment Dated: November 29, 2007
Reply to Office Action of September 14, 2007

107 (previously claims 29-36), and 110-112 (now claims 39-41) under 103 (a) as obvious over Okumura (US 5,451,632). In that office action the Examiner indicated that certain dependent claims that contained additional limitations related to anti-drip agents would be allowable if rewritten in independent format. Further in that office action the Examiner indicated that claims 119-132 (previously claims 48-61) were allowable.

On January 12, 2006, without prejudice to their right to pursue canceled and/or amended subject matter, Applicants filed an amendment amending the claims to place them in a condition for allowance in accordance with the Examiner's indication of allowable subject matter. Furthermore Applicants canceled claims 119-132 (previously 48-61) to pursue them in a separate filing. On March 1, 2006 the Examiner issued another office action coupled with an apology saying that he had reconsidered the amended claims and concluded that the previously-deemed-allowable dependent limitations could no longer be considered to represent a basis for patentability. See the March 1, 2006 office action at page 2. The Examiner instead indicated that a different set of dependent limitations relating to impact modifiers, *inter alia*, if incorporated into the already-amended base claims, would elevate the claims to a condition for allowance. *Id* at page 4.

In response to the Examiner's changing treatment of the claims and in preparation for filing an Appeal, Applicants filed an amendment on April 4, 2006 canceling the balance of the claims and adding new claims 72-132 to reinstate the subject matter of the claims prior to their January 12, 2006 amendment.

Applicant's note that as of their last response (i.e. the April 4, 2006 response) the Examiner's indication that claims 119-132 (previously claims 48-61) were allowable was still on the table. Furthermore at the same time the Examiner's indication that claims would allowable if rewritten to include limitations regarding the impact modifier, *inter alia*, was also on the table.

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That is these indications of allowable subject matter were on the table until the Examiner issued the present office action (i.e. the September 14, 2007 office action).

The Examiner has now withdrawn more indications of allowable subject matter with the present office action. This time the Examiner withdraws the indication that claims 119-132 (previously claims 48-61) are allowable. *See* page 5 of the September 14, 2007 office action. Furthermore, the Examiner withdraws the indication that certain claims would be allowable if rewritten to include the limitation regarding the impact modifier, *inter alia. Id.*

It would be greatly appreciated if the Examiner were to make a thorough evaluation of the present claims, remarks, and the prior art prior to sending out a further office action or notice of allowance in this case.

The Present Grounds of Rejection:

Claims 72-78, 80, 83-88, 91-97, 100, 102-107, 110-112, 114-116, 118-124, 127-130, and 132 are rejected under 103 (a) as obvious over Okumura et al. (US 5,451,632).

Claims 79, 101, and 131 are rejected under 103 (a) as obvious over Okumura et al. (US 5,451,632) in view of Lo et al. (US 5,804,654) and/or Falcone (US Patent Application Publication no. 2002/0019466).

Claims 94-96, 98-99, 113-115, and 117-118 are rejected under 103 (a) as obvious over Okumura et al. (US 5,451,632) in view new references Brand (US 4,357,170) and/or Nelson (US 3,542,575).